TITLE 24.—HOSPITALS, ASYLUMS, AND CEMETERIES

Chapter 1.—NAVY HOSPITALS, NAVAL HOME, ARMY AND NAVY HOSPITAL, AND HOSPITAL RELIEF FOR SEAMEN AND OTHERS

§ 34. Hospitalization of persons outside continental limits of United States; persons entitled; availability of other facilities; rate of charges; disposition of payments.

DELEGATION OF FUNCTIONS

Authority of the President under this section to prescribe from time to time uniform rates of charges for hospitalization and dispensary services delegated to the Secretary of Defense, provided, that the authority hereby delegated may not be redelegated to any officer in the Department of the Navy, Department of the Air Force, or Department of the Army, see section 5 of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

Chapter 2.—THE SOLDIERS' HOME

§ 43. Officers.

The officers of the Soldiers' Home shall consist of a governor, a deputy governor, and a secretary, for each separate site of the home, the latter to be also treasurer; and the officers shall be taken from the Army, and appointed or removed, from time to time, as the interests of the institution may require. The governor and all other officers of the home shall be selected by the President of the United States. (As amended June 6, 1972, Pub. L. 92–310, title II, § 228(a), 86 Stat. 207.)

AMENDMENTS

1972—Pub. L. 92–310 eliminated provisions which required the treasurer of the home to give a bond in the penal sum of $20,000.

§ 46. Deposit of funds; interest; principal.

All funds of the home not needed for current use, and not on March 3, 1883, invested in United States registered bonds, shall, as soon as received, or as soon as investments of that date can be converted into money without loss, be deposited in the Treasury of the United States to the credit of the home, as a permanent fund, and shall draw interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such investments, adjusted to the nearest one-eighth of 1 per centum, which shall be paid quarterly to the treasurer of the home; and the proceeds of such registered bonds, as they are paid, shall be deposited in like manner. No part of the principal sum so deposited shall be withdrawn for use except upon a resolution of the board of commissioners stating the necessity and approved by the Secretary of the Army. (As amended Dec. 15, 1973, Pub. L. 93–185, 87 Stat. 712.)

AMENDMENTS

1973—Pub. L. 93–185 substituted "a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such investments, adjusted to the nearest one-eighth of 1 per centum" for "the rate of 3 per centum per annum".

Chapter 4.—SAINT ELIZABETHS HOSPITAL

ESTABLISHMENT AND MANAGEMENT; PENSIONS, MONEYS, AND APPROPRIATIONS

§ 165. Superintendent; disbursing agent; pension money of inmates.

The chief executive officer of Saint Elizabeths Hospital shall be a superintendent, who shall be appointed by the Secretary of Health, Education, and Welfare. The superintendent shall be a well-educated physician, possessing competent experience in the care and treatment of the insane; he shall reside on the premises and devote his whole time to the welfare of the institution; he shall, subject to the approval of the Secretary of Health, Education, and Welfare, appoint a responsible disbursing agent for the institution, and the said superintendent shall engage and discharge all needful and useful employees in the care of the insane and all laborers on the farm and determine their wages and duties. The said disbursing agent, under the direction of the superintendent, shall have the custody of and pay out all moneys appropriated by Congress for Saint Elizabeths Hospital, or otherwise received for the purposes of the hospital, and all moneys received by the superintendent in behalf of the hospital or its patients, and keep an accurate account or accounts thereof. The said disbursing agent shall deposit in the Treasury of the United States, under the direction of the superintendent, all funds which may be intrusted to the latter by or for the use of patients, which shall be kept in a separate account; and the said disbursing agent is authorized to draw therefrom, under the direction of the said superintendent, from time to time, under such regulations as the Secretary of Health, Education, and Welfare may prescribe, for the use of such patients, but not to exceed for any one patient the amount intrusted to the superintendent on account of such patient. During the time that any pensioner shall be an inmate of Saint Elizabeths Hospital all money due or becoming due upon his or her pension shall be paid by the Veterans' Administration to the superintendent or disbursing agent of the hospital, upon a certificate by such superintendent that the pensioner is an inmate of the hospital and is living, and such pension money shall be by said superintendent or disbursing agent disbursed and used, under regulations to be

prescribed by the Secretary of Health, Education, and Welfare, for the benefit of the pensioner, and, in case of a male pensioner, his wife, minor children, and dependent parents, or, if a female pensioner, her minor children, if any, in the order named, and to pay his or her board and maintenance in the hospital, the remainder of such pension money, if any, to be placed to the credit of the pensioner and to be paid to the pensioner or the guardian of the pensioner in the event of his or her discharge from the hospital; or, in the event of the death of said pensioner while an inmate of said hospital, shall, if a female pensioner, be paid to her minor children, and, in the case of a male pensioner, be paid to his wife, if living; if no wife survives him, then to his minor children; and in case there is no wife nor minor children, then the said unexpended balance to his or her credit shall be applied to the general uses of said hospital: *Provided*, That in the case of any pensioner transferred to the hospital from the National Home for Disabled Volunteer Soldiers any pension money to his credit at said home at the time of his said transfer shall be transferred with him to said hospital and placed to his credit therein, to be expended as provided in this section, and in case of his return from said hospital to the home any balance to his credit at said hospital shall in like manner be transferred to said home, to be expended in accordance with the rules established in regard thereto. (As amended June 6, 1972, Pub. L. 92–310, title II, § 228(b), 86 Stat. 207.)

AMENDMENTS

1972—Pub. L. 92–310 eliminated provisions which required the chief executive officer and disbursing agent to give bonds for the faithful performance of their duties.

§ 166. Deputy disbursing agent; appointment; powers.

Authority is granted to appoint a deputy disbursing agent who shall have the same power as the disbursing agent during the absence of that officer. (As amended June 6, 1972, Pub. L. 92–310, title II, § 228(c), 86 Stat. 207.)

AMENDMENTS

1972—Pub. L. 92–310 eliminated provisions which required the deputy disbursing agent to give a bond.

§ 168a. Payment by executive departments for care of patients for whom responsible.

CODIFICATION

Section is also set out in D.C. Code, § 32–406a.

TRANSFER OF FUNCTIONS

All functions vested by law (including reorganization plan) in the Bureau of the Budget or the Director of the Bureau of the Budget were transferred to the President of the United States by section 101 of 1970 Reorg. Plan No. 2, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085. Section 102 of 1970 Reorg. Plan No. 2, redesignated the Bureau of the Budget as the Office of Management and Budget. See Office of Management and Budget note set out under this section in the main volume.

DELEGATION OF FUNCTIONS

Authority of the Secretary of Health, Education, and Welfare under this section to fix per diem rates for care of patients in Saint Elizabeths Hospital delegated to the Secretary of Health, Education, and Welfare, see section 3(2) of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

§ 169. Disposition of money paid for care of patients.

CODIFICATION

Section is also set out in D.C. Code, § 32–403.

§§ 181 to 184.

CODIFICATION

Sections 181 to 184 are also set out in D.C. Code, §§ 32–408 to 32–411, respectively.

INMATES; BURDEN OF EXPENSES THEREOF; DETENTION IF INSANE

§ 211a. Admission of insane convicts.

CODIFICATION

Section is also set out in D.C. Code, § 32–407.

Chapter 7.—NATIONAL CEMETERIES

§§ 271 to 276. Repealed. Pub. L. 93–43, § 7(a)(1)–(3), (61), June 18, 1973, 87 Stat. 82, 88.

Section 271, R.S. § 4870, provided for manner of acquisition of lands.

Section 271a, act June 29, 1938, ch. 808, 52 Stat. 1233, related to State donations of land.

Section 272, R.S. § 4871; act Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167, provided for appraisement of real estate.

Section 273, R.S. § 4872, provided for payment of appraised value.

Section 274, R.S. § 4873, provided for superintendents of cemeteries.

Section 275, acts Mar. 24, 1948, ch. 143, § 1, 62 Stat. 84; Aug. 30, 1961, Pub. L. 87–178, 75 Stat. 411, provided for selection of superintendents.

Section 276, R.S. § 4875; act July 30, 1912, ch. 258, 37 Stat. 240, provided for fuel and quarters for superintendents.

Subject matter is now generally covered by chapter 24 of Title 38, Veterans' Benefits. See sections 1004 and 1006 of Title 38.

EFFECTIVE DATE OF REPEAL

Sections repealed effective Sept. 1, 1973, or such earlier date as the President may prescribe and publish in the Federal Register, see section 10(c) of Pub. L. 93–43, set out as a note under section 906 of Title 38, Veterans' Benefits.

MATURED RIGHTS AND DUTIES, INCURRED PENALTIES, LIABILITIES, AND FORFEITURES, AND COMMENCED PROCEEDINGS EXCEPTED IN REPEAL OF NATIONAL CEMETERIES PROVISIONS

Section 7(a) of Pub. L. 93–43 provided in part that sections 271 to 276, 278 to 279d, 281 to 282, 286 to 290, and 296 of this title are repealed, except with respect to rights and duties that matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun before effective date of such section 7.

Section 7 of Pub. L. 93–43 effective Sept. 1, 1973, or such earlier date as the President may prescribe and publish in the Federal Register, see section 10(c) of Pub. L. 93–43, set out as a note under section 906 of Title 38, Veterans' Benefits.

FUNCTIONS, POWERS, AND DUTIES OF SECRETARIES UNAFFECTED

Section 7(b) of Pub. L. 93–43 provided that:

"Nothing in this section [repealing sections 271 to 276, 278 to 279d, 281 to 282, 286 to 290, and 296 of this title and enacting provisions set out as a note under sections 271 to 276] shall be deemed to affect in any manner the functions, powers, and duties of—

"(1) the Secretary of the Interior with respect to those cemeteries, memorials, or monuments under his jurisdiction on the effective date of this section [see note hereunder], or

"(2) the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force with respect to those cemeteries, memorials, or monuments under his jurisdiction to which the transfer provisions of section 6(a) of this Act [set out as a note under section 1004 of Title 38] do not apply."

§§ 278 to 279d. Repealed. Pub. L. 93–43, § 7(a) (1), (4), (5), (7), June 18, 1973, 87 Stat. 82.

Section 278, acts July 24, 1876, ch. 226, § 1, 19 Stat. 99; June 10, 1921, ch. 18, §§ 206, 215, 42 Stat. 21, 23; Sept. 12, 1950, ch. 946, title III, § 301(96), 64 Stat. 844, provided for care and maintenance of cemeteries. Subject matter is now covered by section 1004(a), (e) of Title 38, Veterans' Benefits.

Section 279, R.S. § 4877, related to inclosure, headstones, and registers. Subject matter is now covered by section 1004(a), (c), (d) of Title 38, Veterans' Benefits.

Section 279a, acts July 1, 1948 ch. 791, § 1, 62 Stat. 1215; Aug. 14, 1958, Pub. L. 85–644, § 1(1), 72 Stat. 601; Aug. 28, 1958, Pub. L. 85–111, 72 Stat. 978, provided for headstones for unmarked graves of Civil War soldiers, members of armed forces, reserve components, National Guard, Air National Guard, and Reserve Officers Training Corps; compilation of list; and inscription of names on Memorial. Subject matter is now covered by sections 906 and 1003 of Title 38, Veterans' Benefits.

Section 279b, acts July 1, 1948, ch. 791, § 2, 62 Stat. 1216; Aug. 14, 1958, Pub. L. 85–644, § 1(2), 72 Stat. 602, authorized rules and regulations for the headstones, list, and inscription of names.

Section 279c, act July 1, 1948, ch. 791, § 3, 62 Stat. 1216, related to preservation of records respecting the headstones, list, and inscription of names. Subject matter is now covered by section 1004(d) of Title 38, Veterans' Benefits.

Section 279d, acts Aug. 27, 1954, ch. 1013, 68 Stat. 880; July 3, 1956, ch. 509, 79 Stat. 489, provided for markers to honor memory of certain Armed Forces personnel. Subject matter is now covered by section 1003(a), (b) of Title 38, Veterans' Benefits.

EFFECTIVE DATE OF REPEAL

Sections repealed effective Sept. 1, 1973, or such earlier date as the President may prescribe and publish in the Federal Register, see section 10(c) of Pub. L. 93–43, set out as a note under section 906 of Title 38, Veteran's Benefits.

MATURED RIGHTS AND DUTIES, INCURRED PENALTIES, LIABILITIES, AND FORFEITURES, AND COMMENCED PROCEEDINGS EXCEPTED IN REPEAL OF NATIONAL CEMETERIES PROVISIONS

Provisions repealed except with respect to rights and duties matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun before effective date of section 7 of Pub. L. 93–43, see section 7(a) of Pub. L. 93–43, set out as a note under sections 271 to 276 of this title.

§§ 281 to 282. Repealed. Pub. L. 93–43, § 7(a) (6), (8), (10)–(12), (60), June 18, 1973, 87 Stat. 82, 88.

Section 281, acts May 14, 1948, ch. 289, § 1, 62 Stat. 234; Sept. 14, 1959, Pub. L. 86–260, 73 Stat. 547, enumerated classes of persons eligible for burial in national cemeteries and provided for removal of remains. Subject matter respecting persons eligible for internment in national cemeteries is now covered by section 1002 of Title 38, Veterans' Benefits.

Section 281a, act Aug. 4, 1947, ch. 467, § 1, 61 Stat. 742, provided for utilization of surplus military real property for cemeteries.

Section 281b, act Aug. 4, 1947, ch. 467, § 2, 61 Stat. 742, related to utilization of surplus military real property for expansion of existing cemeteries and limited the expanded national cemetery area to six hundred and forty acres.

Section 281c, act Aug. 4, 1947, ch. 467, § 3, 61 Stat. 742, authorized regulations respecting utilization of surplus military real property for cemeteries.

Section 281d, act Mar. 10, 1950, ch. 52, § 1, 64 Stat. 12, related to utilization of surplus military real property for cemeteries at Fort Logan, Colo.

Section 281e, act Mar. 10, 1950, ch. 52, § 2, 64 Stat. 12, provided for selection of lands, care and maintenance, and limitation of area of national cemetery at Fort Logan, Colo.

Section 281f, act Mar. 10, 1950, ch. 52, § 3, 64 Stat. 12, authorized Secretary of the Army to prescribe rules and regulations for administration of national cemetery at Fort Logan, Colo.

Section 281g, act Aug. 10, 1950, ch. 672, §§ 1, 2, 64 Stat. 434, provided for expansion of existing cemeteries at Rock Island National Cemetery, Rock Island, Illinois, Fort Leavenworth, National Cemetery, Fort Leavenworth, Kansas, and Barrancas National Cemetery, near Pensacola, Florida.

Section 282, act Aug. 24, 1912, ch. 355, § 1, 37 Stat. 440, provided for burial of Confederate veterans.

EFFECTIVE DATE OF REPEAL

Sections repealed effective Sept. 1, 1973, or such earlier date as the President may prescribe and publish in the Federal Register, see section 10(c) of Pub. L. 93–43, set out as a note under section 906 of Title 38, Veterans' Benefits.

MATURED RIGHTS AND DUTIES, INCURRED PENALTIES, LIABILITIES, AND FORFEITURES, AND COMMENCED PROCEEDINGS EXCEPTED IN REPEAL OF NATIONAL CEMETERIES PROVISIONS

Provisions repealed except with respect to rights and duties matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun before effective date of section 7 of Pub. L. 93–43, see section 7(a) of Pub. L. 93–43, set out as a note under sections 271 to 276 of this title.

§§ 286 to 290. Repealed. Pub. L. 93–43, § 7(a)(1), (13)–(18), (42), (44)–(46), June 18, 1973, 87 Stat. 82, 83, 85.

Section 286, R.S. § 4881; act Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167, provided penalty for defacing cemeteries. Subject matter is now covered by section 218 of Title 38, Veterans' Benefits.

Section 287, R.S. § 4882, related to jurisdiction of United States upon purchase of any national cemetery with consent of any State legislature.

Section 288, acts Feb. 12, 1925, ch. 225, title II, 43 Stat. 926; Apr. 15, 1926, ch. 146, title II, 44 Stat. 287; Feb. 23, 1927, ch. 167, title II, 44 Stat. 1138; Mar. 23, 1928, ch. 232, title II, 45 Stat. 354; Feb. 28, 1929, ch. 366, title II, 45 Stat. 1375; June 30, 1954, ch. 425, § 101, 68 Stat. 331; July 15, 1955, ch. 370, title III, 69 Stat. 360; July 2, 1956, ch. 490, title III, 70 Stat. 479, prohibited expenditure of any appropriation for maintenance of more than a single approach to any national cemetery.

Section 289, which derived from the War Department Civil Appropriation Act, 1942, act May 23, 1941, ch. 130, § 1, 55 Stat. 191, provided for conveyance to State or municipality of approach road to national cemetery. Subject matter is now covered by section 1004(f) of Title 38, Veterans' Benefits.

Section 290, which derived from the Civil Functions Appropriation Act, 1954, act July 27, 1953, ch. 245, § 101, 67 Stat. 197, prohibited encroachment by railroad on rights of way. Subject matter is now covered by section 1004 of Title 38, Veterans' Benefits.

EFFECTIVE DATE OF REPEAL

Sections repealed effective Sept. 1, 1973, or such earlier date as the President may prescribe and publish in the Federal Register, see section 10(c) of Pub. L. 93–43, set out as a note under section 906 of Title 38, Veterans' Benefits.

MATURED RIGHTS AND DUTIES, INCURRED PENALTIES, LIABILITIES, AND FORFEITURES, AND COMMENCED PROCEEDINGS EXCEPTED IN REPEAL OF NATIONAL CEMETERIES PROVISIONS

Provisions repealed except with respect to rights and duties matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun before effective date of section 7 of Pub. L. 93–43, see section 7(a) of Pub. L. 93–43, set out as a note under sections 271 to 276 of this title.

CONVEYANCE TO STATE OR MUNICIPALITY OF APPROACH ROAD TO NATIONAL CEMETERY.

Provisions similar to those set out in former section 289 of this title relating to conveyance to State or municipality of approach road to national cemetery, were also repealed by Pub. L. 93–43, § 7(a)(27)–(29), June 18, 1973, 67

Stat. 84. Subject matter was contained in the following prior Appropriation Acts:

1940—June 24, 1940, ch. 415, § 1, 54 Stat. 506.
1939—June 28, 1939, ch. 246, § 1, 53 Stat. 857.
1938—June 11, 1938, ch. 348, § 1, 52, Stat. 668.

ENCROACHMENT BY RAILROAD ON RIGHTS OF WAY.

Provisions similar to those set out in former section 290 of this title relating to encroachment by railroad on rights of way were also repealed by Pub. L. 93–43, § 7(a)(19)–(41), (43), June 18, 1973, 87 Stat. 83–85. Subject matter was contained in the following prior Appropriation Acts:

1952—July 11, 1952, ch. 660, § 101, 66 Stat. 579.
1951—Oct. 24, 1951, ch. 556, § 101, 65 Stat. 616.
1950—Sept. 6, 1950, ch. 896, ch. IX, § 101, 64 Stat. 725.
1949—Oct. 13, 1949, ch. 688, § 1, 63 Stat. 846.
1948—June 25, 1948, ch. 655, § 1, 62 Stat. 1019.
1947—July 31, 1947, ch. 411, § 1, 61 Stat. 687.
1946—May 2, 1946, ch. 247, § 1, 60 Stat. 161.
1945—Mar. 31, 1945, ch. 45, § 1, 59 Stat. 39.
1944—June 26, 1944, ch. 275, § 1, 58 Stat. 327.
1943—June 2, 1943, ch. 115, § 1, 57 Stat. 94.
1942—Apr. 28, 1942, ch. 246, § 1, 56 Stat. 220.
1941—May 23, 1941, ch. 130, § 1, 55 Stat. 191.
1940—June 24, 1940, ch. 415, § 1, 54 Stat. 506.
1939—June 28, 1939, ch. 246, § 1, 53 Stat. 857.
1938—June 11, 1938, ch. 348, § 1, 52 Stat. 668.
1937—July 19, 1937, ch. 511, § 1, 50 Stat. 515.
1936—May 15, 1936, ch. 404, § 1, 49 Stat. 1305.
1935—Apr. 9, 1935, ch. 54, title II, 49 Stat. 145.
1934—Apr. 26, 1934, ch. 165, title II, 48 Stat. 639.
1933—Mar. 4, 1933, ch. 281, title II, 47 Stat. 1595.
1932—July 14, 1932, ch. 482, title II, 47 Stat. 689.
1931—Feb. 23, 1931, ch. 279, title II, 46 Stat. 1302.
1930—May 28, 1930, ch. 348, title II, 46 Stat. 458.
1929—Feb. 28, 1929, ch. 366, title II, 45 Stat. 1375.
1928—Mar. 23, 1928, ch. 232, title II, 45 Stat. 354.
1927—Feb. 23, 1927, ch. 167, title II, 44 Stat. 1138.
1926—Apr. 15, 1926, ch. 146, title II, 44 Stat. 287.
1925—Feb. 12, 1925, ch. 225, title II, 43 Stat. 926.

§ 296. Repealed. Pub. L. 93–43, § 7(a)(9), June 18, 1973, 87 Stat. 82.

Section, act July 1, 1947, ch. 187, 61 Stat. 234, related to preservation of historic graveyards in abandoned military posts and conveyance to grantees. Subject matter is now covered by section 1005(b) of Title 38, Veterans' Benefits.

EFFECTIVE DATE OF REPEAL

Section repealed effective Sept. 1, 1973, or such earlier date as the President may prescribe and publish in the Federal Register, see section 10(c) of Pub. L. 93–43, set out as a note under section 906 of Title 38, Veterans' Benefits.

MATURED RIGHTS AND DUTIES, INCURRED PENALTIES, LIABILITIES, AND FORFEITURES, AND COMMENCED PROCEEDINGS EXCEPTED IN REPEAL OF NATIONAL CEMETERIES PROVISIONS

Provisions repealed except with respect to rights and duties matured, penalties, liabilities, and forfeitures that were incurred, and proceedings that were begun before effective date of section 7 of Pub. L. 93–43, see section 7(a) of Pub. L. 39–43, set out as a note under sections 271 to 276 of this title.